

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/19/2008 has been entered. Claims 1-16 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-5, 7-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (USPN 6,409,513; hereinafter Kawamura) in view of Matsunaga et al. (USPN 6,044,420; hereinafter Matsunaga); further in view of West et al. (US 5,649,826; hereinafter West).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Regarding claims 1, 8, and 15, Kawamura discloses an information providing device for providing reading exercises from a plurality of exercises, requiring a user to deal with characters or groups of characters within a predetermined time (words/minute), comprising: a storage means for storing data on the number of characters or groups of characters which is required in each of the exercises in terms of words per minute (Col. 8, lines 49-55); a measuring means for measuring the user's predetermined ability to deal with characters by measuring the user's speed of recording specific predetermined sentences that form a paragraph (See Col. 6, lines 43-48; Col. 9, lines 54-67); a retrieval means for retrieving the data which can be dealt with by the basic ability measured by the measuring means within the predetermined time (Col. 10, lines 20-32; Col. 12, lines 3-5, 20-22); and an output means for outputting information on the exercise corresponding to the data retrieved by the retrieval means (See Figs. 13, 19, and 21). Kawamura does not explicitly disclose the feature of storing data on the number of characters required in each exercise for requiring a user to deal with characters individually within a predetermined time. Instead, Kawamura provides reading exercises having various words per minute requirements, which requires a user to read a predetermined number of words within a predetermined time. However, Matsunaga teaches a device for displaying characters and predicting the amount of time required for a reader to complete reading the characters based on the number of characters per unit of time. See Matsunaga, Col. 19, lines 10-16, 27-33. Thus, in view of Matsunaga, it would have been obvious to one of ordinary skill in the art to modify the reading exercises described in Kawamura, by analyzing reading speed in terms of characters per unit of time, instead of words per unit of time, in order to predict the amount of time a user will require to read characters in a native language or a modified amount of time a reader needs to read characters of a foreign language. See Matsunaga, Col. 19, lines 10-16, 27-33; Col. 20, lines 41-47.

Furthermore, with respect to claim 8, Kawamura does not explicitly disclose an information communication network. However, the examiner takes official notice that the use of an information

Art Unit: 3714

communication network is old and well known in the art for providing training information to users located at remote locations in order to overcome geographical limitations. Hence, it would have been obvious to one of ordinary skill in the art to modify the computerized reading exercises described in Kawamura, by providing the exercises with an information communication network, in order to provide training information to users located at remote locations in order to overcome geographical limitations that require students to be in one specific location.

With respect to claims 1, 8, and 15, Kawamura additionally fails to explicitly disclose the claimed feature of retrieving data that is correspondingly different based on the predetermined ability of the user, wherein different data is retrieved for different measured abilities. Instead, Kawamura teaches retrieving data and presenting the data to a user at different speeds based on the user's ability. However, secondary reference, Matsunaga, suggests that there is a correlation between the amount of time for completing reading and a user's ability (whether the data read by a user is familiar and has been read before). See Matsunaga, col. 27, lines 40-60. Matsunaga provides a system and method for predicting the time required for completing reading based on the user ability, but does not explicitly disclose the claimed feature of retrieving different data based on the user's ability. However, West teaches a computerized language teaching method and system, wherein a user progresses through a series of successive language lessons based on the user's ability to demonstrate a requisite understanding of each lesson (see col. 6, lines 21-25); wherein each successive lesson progressively changes data of the lesson (low percentage of foreign language – high percentage of a foreign language) based on the user's ability. See Col. 3, lines 1-11. Thus, in view of West and Matsunaga, it would have been obvious to one of ordinary skill in the art to modifying not only the speed of the data presented for a user to read, but also

Art Unit: 3714

taking into consideration the content of the data in order to compensate for a level of difficulty associated with content of the data, which effects reading time, as suggested by Matsunaga.

Regarding claim 2, Kawamura discloses a device wherein the output means is a display (Col. 4, lines 54-56).

Regarding claim 3, Kawamura discloses a device wherein the basic ability is an ability to read characters (Col. 12, lines 20-22).

Regarding claim 4, Kawamura discloses a device wherein the exercise is an examination held within an examination time (Col. 12, lines 3-5, 20-22).

Regarding claim 5, Kawamura discloses a device wherein the exercise is a preparation course for an examination (Col. 6, lines 22-38).

Regarding claims 7 and 16, Kawamura discloses a device further comprising a training means for providing the user with training on how to deal with characters: wherein the measuring means measures a user's predetermined ability to deal with characters after the training by the training means; wherein the retrieval means retrieves data which can be dealt with by the basic ability after the training measured by the measuring means within the predetermined time from among the data stored in said storage means; and wherein the output means outputs information on the exercise corresponding to the data retrieved after the training (Col. 6, lines 22-38).

Regarding claim 9, Kawamura discloses a device wherein the output means is a display (Col. 4, lines 54-56).

Regarding claim 10, Kawamura discloses a device wherein the basic ability is an ability to read characters (Col. 12, lines 20-22).

Regarding claim 11, Kawamura discloses a device wherein the exercise is an examination held within an examination time (Col. 12, lines 3-5, 20-22).

Regarding claim 12, Kawamura discloses a device wherein the exercise is a preparation course for an examination (Col. 6, lines 22-38).

Regarding claim 14, Kawamura discloses a device further comprising a training means for providing the user with training on how to deal with characters: wherein the measuring means measures a user's predetermined ability to deal with characters after the training by the training means; wherein the retrieval means retrieves data which can be dealt with by the basic ability after the training measured by the measuring means within the predetermined time from among the data stored in said storage means; and wherein the output means outputs information on the exercise corresponding to the data retrieved after the training (Col. 6, lines 22-38).

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura in view of Matsunaga, further in view of West, still further in view of Tadlock et al. (USPN 6,869,287; hereinafter Tadlock).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Regarding claims 6 and 13, the combination of Kawamura, Matsunaga, and West discloses all of the claimed subject matter with the exception of explicitly disclosing that the exercise is a book having a returning limit lent by a library. However, Tadlock discloses a system and method for providing reading exercises, wherein the exercises include the feature of allowing a user to check out a book at his or her specified reading level in order to motivate the student to do independent reading (Col. 36, lines 37-47). Hence, in view of Tadlock, it would have been obvious to one of ordinary skill to modify the reading exercises described in the combination of Kawamura, Matsunaga, and West, by providing exercises that include books from libraries, in order to allow a user to check out a desired book and thereby promote independent reading.

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON SAADAT whose telephone number is (571)272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/
Examiner, Art Unit 3714
4/13/2008